



August 8, 2023

Kim H. Looney
kim.looney@klgates.com

T +615-780-6727

Mr. Logan Grant, Executive Director
Tennessee Health Facilities Commission
502 Deaderick Street, 9th Floor
Nashville, TN 37243
logan.grant@tn.gov

Re: Nashville Children's Surgery Center, LLC; CN2305-015

Dear Logan:

On behalf of my client, Nashville Midtown Surgical ("NMS"), I am opposing the certificate of need application referenced above for Nashville Children's Surgery Center, LLC. This application fails to meet the criteria for a certificate of need.

1. The proposed project is not needed.

There is clearly no need for this project; the need standard is not met and there is ample capacity among existing providers to accommodate the projected procedures. Nashville Midtown Surgical (CN1908-030A) was approved at the January 2020 meeting for the establishment of a single specialty ambulatory surgical treatment center (ASTC) limited to oral and maxillofacial surgery and dentistry with three operating rooms and no procedure rooms in Nashville. Because of COVID, this project got a slower start than anticipated, but is nearing completion. It expects to be operational no later than October 1. The primary focus of this ASTC is to treat children where Medicaid/TennCare is the primary payor source, which is similar if not identical to the project proposed by Nashville Children's Surgery Center.

The application does not meet the statutory criteria for approval for a certificate of need and Nashville Midtown Surgical respectfully requests that it be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim H. Looney", with a stylized, flowing script.

Kim H. Looney

KHL/bb

cc: Adam Pitts
Jeff Stockard
Mike Brent